

JUDGE BATTUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK----- x
UNITED STATES OF AMERICA

-v.-

INDICTMENT

08 Cr.

IKEYA COUNTS,

Defendant.

08CRIM**27**

----- x

COUNT ONE

The Grand Jury charges:

1. From in or about October 2006, up to and including in or about November 2006, in the Southern District of New York and elsewhere, IKEYA COUNTS, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other, to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1343.

2. It was a part and an object of the conspiracy that IKEYA COUNTS, the defendant, and others known and unknown, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18,

United States Code, Section 1343.

OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about October 27, 2006, IKEYA COUNTS, the defendant, made two withdrawals in the amounts of \$1,900 and \$17,100 from a Commerce Bank account at a branch located in Manhattan.

b. On or about October 30, 2006, COUNTS withdrew approximately \$9,500 from a Commerce Bank account at a branch located in Manhattan.

c. On or about October 31, 2006, COUNTS withdrew approximately \$25,000 from a Commerce Bank account at a branch located in Manhattan.

d. On or about November 1, 2006, COUNTS transferred approximately \$22,000 from a Commerce Bank account at a branch located in Manhattan to a Commerce Bank account of another individual.

(Title 18, United States Code, Section 1349.)

COUNT TWO

The Grand Jury further charges:

4. On or about October 27, 2006, in the Southern District of New York and elsewhere, IKEYA COUNTS, the defendant, unlawfully, willfully, and knowingly, having devised and

(Title 18, United States Code, Sections 1343 and 2.)

COUNT THREE

The Grand Jury further charges:

5. On or about October 30, 2006, in the Southern District of New York and elsewhere, IKEYA COUNTS, the defendant, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, COUNTS caused \$69,300 to be wired from an account at USAA Credit Union in Texas to a bank account at Commerce Bank in New York without authorization from the USAA Credit Union account-holder.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT FOUR

The Grand Jury further charges:

6. On or about October 30, 2006, in the Southern District of New York and elsewhere, IKEYA COUNTS, the defendant, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, would and did transmit

and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, COUNTS caused \$10,000 to be wired from an account at Qualstar Credit Union in Washington State to a bank account at Commerce Bank in New York without authorization from the Qualstar Credit Union account-holder.

(Title 18, United States Code, Sections 1343 and 2.)

FORFEITURE ALLEGATION

7. As the result of committing the offenses in violation of Title 18, United States Code, Section 1349, alleged in Counts One through Four of this Indictment, IKEYA COUNTS, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, including but not limited to the following:

a. At least \$75,500 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the offenses charged in Count One of this Indictment.

Substitute Asset Provision

8. If any of the above-described forfeitable

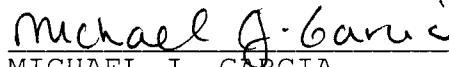
property, as a result of any act or omission of the defendant(s):

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant(s) up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981, Title 28, United States Code, Section 2461, and Title 18, United States Code, Section 2314.)


Foreperson


Michael J. Garcia
MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

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IKEYA COUNTS

Defendant.

INDICTMENT

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(18 U.S.C. § 1349, and
18 U.S.C. § 1343 & 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Michael J. Garcia

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Foreperson.
